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Docket Number _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1996

RANJIT S. GILL,
Petitioner,

Vs.

NEW YORK STATE BOARD OF LAW EXAMINERS,
Respondent.

Petition For Writ Of Certiorari
To The New York State Court of Appeals

PETITION FOR WRIT OF CERTIORARI

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Petitioner,
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49 pp

QUESTIONS PRESENTED FOR REVIEW

1. When the Legislature of the State of New York has been kind and magnanimous enough to grant the privilege of admission to practice law in the State to the law graduates and practicing attorneys from such foreign countries whose jurisprudence is based upon the principles of the English Common Law, **either upon examination,** pursuant to 22 NYCRR 520.2, 22 NYCRR 520.5(a)(b)(1)* and 22 NYCRR 6000.2(a)(b) **or on motion,** pursuant to 22 NYCRR 520.9**, on the strength of their 3-year law degrees or actual law practice of at least five years respectively, then what locus standi the New York State Board of Law Examiners and the Appellate Divisions have to deprive the otherwise statutorily qualified applicants, including the petitioner, from the countries of the Indian Sub-Continent of their constitutional and statutory rights ?

2. When the legal education of a foreign applicant is determined pursuant to 22 NYCRR 520.3 instead of 22 NYCRR 520.5(a)(b)(1)* which is specifically designed for only those who have legal education from such countries whose jurisprudence is based upon the principles of the English common Law, would it not violate the Due Process and as a natural corollary ? whether the determination so inappropriately reached would toll the Statute of Limitations ?

3. Whether it is the violation of Equal Protection of Laws when the applicants from the Indian Sub-Continent, including the petitioner herein, have constantly been denied their legitimate constitutional and statutory rights under 22 NYCRR 520.2, 520.5(a)(b)(1)*, 6000.2(a)(b), 520.9** and Section 53 of the New York State Judiciary Law but the same have gladly been granted to the similarly situated applicants from Israel (Ady Meged), Ireland (Helen P. Dalton), Singapore (Pat B. Pitchayan) and Ghana (John K. Akpalu)--to name only a few ?

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*22 NYCRR 520.6(a)(b)(1) and **22 NYCRR 520.10 after the recodification of the Rules in October, 1994. Since the language of these two Rules, prior and after the recodification, remains verbatim et litteratim the same and the documents relied upon pertain to the time-frame prior to the recodification, these would hereinafter be referred to by their old numerical scheme in order to avoid any possible confusion.

4. Whether an Appellate Division of the New York State Supreme Court is the trial court or the court of first instance or an administrative authority when it assumes jurisdiction pursuant to 22 NYCRR 520.1 ? As a natural corollary, is it incumbent upon it to render a decision on each and every issue raised before it, especially when the issue is the nucleus and kernel of the matter in hand ?

5. Whether the petitioner was under legal obligation to exhaust all the administrative channels, available to him pursuant to 22 NYCRR 520.1 and subdivision 1 of Section 53 of the New York State Judiciary Law, before invoking the extraordinary writ jurisdiction of the New York Supreme Court, Queens County pursuant to Article 78 of the New York Civil Practice Law and Rules ?

6. Whether the Appellate Division, Second Judicial Department and the New York State Court of Appeals have discharged their constitutional and statutory obligations, pursuant to 22 NYCRR 520.1 and subdivision 1 of Section 53 of the New York State Judiciary Law respectively by entirely ignoring the legitimate submissions of the appellant and consequently condoning the misdeeds of arbitrariness, subjectivity, discrimination, violation of due process and equal protection of laws by the respondent-board ?

7. When a case is interwoven with the elements of fraud, misrepresentation, intent to mislead, arbitrariness, subjectivity, discrimination, breach of trust, violation of Due Process and Equal Protection of Laws clauses of the fourteenth amendment of the United States Constitution, which section or sections 217(1), 203(f) or 213(8) of the New York Civil Practice Law and Rules would govern ?

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PETITION FOR WRIT OF CERTIORARI

Petitioner, Ranjit S. Gill, respectfully prays that a writ of certiorari be issued to the New York State Court of Appeals to review the judgment of the Appellate Division, Second Judicial Department, of April 8, 1996, which affirmed a judgment of the New York Supreme Court, at Queens.

OPINIONS BELOW

The Judgment of the New York State Court of Appeals was filed on June 13, 1996 and the same appears herein as Appendix A. The judgment was unpulished. The order of the Appellate division, denying the appeal was filed on April 8, 1996 which appears as Appendix B. This order was also unpublished. The order of the Supreme Court, Queens County where the Article 78 proceedings, after having exhausted all the available administrative channels, were initiated appears as Appendix C and the "determination" of the New York State Board of Law Examiners- the bone of contention of the entire case in hand- appears as Appendix D. The orders of the courts as well as the "determination" of the respondent-board were unpublished.

JURISDICTION

The judgment of the New York State Court of Appeals was filed on June 13, 1996 and the matter was not re-argued. The instant petition for writ of certiorari is timely filed within ninety (90) days of the denial of the petition for permission to appeal to the highest court of the New York State. The jurisdiction of this Honorable Court is invoked pursuant to 28 U.S.C. section 1257(a).

STATUTES INVOLVED

The instant petition involves the Legislative Intent of construction, application and interpretation of the Due Process and Equal Protection of Laws clauses of the fourteenth amendment of the United States Constitution; subdivision 1 of Section 53 of the New York State Judiciary Law; 22 NYCRR 520.1, 520.2, 520.5(a)(b)(1)*, 520.9**; 22 NYCRR 6000.2(a)(b); Sections 217, 203 and 213 of the New York State Civil Practice Law and Rules.

STATEMENT OF THE CASE

8. Firstly, it would be pertinent to cite some of the observations, made by the New York State Court of Appeals while rendering a very potent judgment in a prior and 100% similar matter in May, 1976, ***Anwar M. Sheikh Vs. The Appellate Division, Third Department*, 39 NY2d 676,** which holds good till the moment of filing instant petition :

(a) "Provision has been made for admission to practice law in New York State, other than *pro hac vice,* by progress along either of **two routes:** by passing the State **Bar examination** (Rules.....22 NYCRR 520.2-520.6; cf. Judiciary Law Section 53, subd. 3); **or on motion without examination by proof of admission and five years' actual practice in a sister State or in another country whose jurisprudence is based on the principles of the English Common Law."**

(b) "Whatever the depth of the entirely understandable concern and conviction of the members of the several Appellate Divisions that unqualified persons should not be admitted to practice in our state, the delegated jurisdiction of these courts is nonetheless limited."

(c) "Whichever route be selected, actual admission is only on the order of the appropriate Appellate Division (Rules, 520.1[a];cf. Judiciary Law, Section 90, subd. 1). On proof of compliance with other provisions of the Rules of the Court of Appeals and on submission either of a certificate that that the Bar examination has been passed **or proof of admission and requisite practice in another qualifying jurisdiction, an applicant is entitled to an order admitting him to practice....."**

(d) **"Pakistan is a country whose jurisprudence is based**

upon the principles of the English Common Law within contemplation of section 520.8(a)(1) **and that five years of active practice in the courts of that country would meet the pertinent requirements of the rules of our court."**

(e) "In the design of the procedures for admission to practice law in our State, the determination of general and legal educational qualification has traditionally been kept separate and apart from the co-ordinate determination as to character and general fitness. Responsibility for the former has been retained by the Court of Appeals while responsibility for the latter has been delegated by Court of Appeals and by statute to serveral Appellate Divisions."

(f) "Recognition that **ultimate responsibility** for regulating admission to practice law **is vested in the Court of Appeals** is to be found in subdivision 1 of section 53 of Judiciary Law."

(g) "Any departmental unevenness would be highly inappropriate, if not legally suspect. **The absence of any objective standards** on which it was found that he was not possessed of the legal training and ability necessary for admission to the Bar without examination, **operated to deny him the due process of law** to which he is constitutionally entitled."

(h) **"As to educational qualification,"** for some years the Rules of the court of Appeals have made provision for admission either by taking and passing the Bar examination or, **as a substantial equivalent for the few applicants seeking admission on motion without examination, by both admission and five years' practice in another common-law jurisdiction.** Compliance with either alternative **ends the inquiry with reference to general and legal educational qualification."**

9. The relevant rule, 520.9**, which governs the admission on motion and is the subject-matter of the instant petition, reads as under:

520.9 Admission without examination. (a) In its discretion, the Appellate Division may admit to practice without examination an applicant who:

(1) has been admitted to practice in the highest law court in any other state or terrritory of the United States or in the District of columbia , and is currently admitted to the bar in such other jurisdiction or jurisdictions, that at least one such jurisdiction in which the attorney is so admitted would similarly admit an attorney or counselor-at-law admitted to practice in New York State to its bar without examination; or has been admitted to practice as an attorney and counselor-at-law or the equivalent in the highest court in another country whose jurisprudence is based upon the principles of English Common Law; and

(2)(i) while admitted to practice as specified in paragraph (1) of this subdivision, has actually practiced therein, for at least five of the seven years immediately preceding the application:

(a) in its highest law court or highest court of original jurisdiction in the state or territory of the United States, in the District of Columbia or in the common law country where admitted; or

(b) in Federal military or civilian legal service in a position which requires admission to the bar for the appointment thereto or for the performance of duties thereof; or

(c) in legal service as counsel or assistant counsel to a corporation in the state or territory of the United States where admitted, or in the District of Columbia if admitted therein; or in the common law country where admitted; or

(d) in a combination or cumulation of service among the above categories of practice or legal service even if the government service, civilian or military, was not in a jurisdiction in which the

applicant was admitted to practice, where the Court of Appeals has determined that such five years of combined or cumulative service is the equivalent of the practice required in clause (a) of this subparagraph; or

(ii) is a graduate of and has received a first degree in law from an approved law school as defined in section 520.3(b) of this Part and, for a period of at least five years immediately preceding the application for admission without examination, has been employed in this State or in any other state or territory of the United States or in the District of Columbia as a full-time member of the law faculty teaching in a law school or schools on the approved list of the American Bar Association and has attained the rank of associate professor; and

(3) has had the legal education which would have been required under section 520.3 of this Part, or its predecessor section or sections, to qualify applicant to take the New York State bar examination at the time of applicant's admission to practice in such other state, territory, district or common law country, or at the time of application for admission under this section; and

(4) is over 26 years of age.

(b) *Proof required.* An applicant for admission under this section shall file with the Clerk of the Appellate Division of the department in which, as shown by the papers filed by the applicant with the department, the applicant resides or, if not a resident of the state in which such papers show that the applicant is employed full-time or, if such papers do not show that the applicant resides or is employed full-time in the State, the Appellate Division of Third Department:

(1) a certificate from the clerk of the highest court of the state, territory, district or foreign country in which applicant has been admitted to practice as an attorney and counselor-at-law or the

equivalent, certifying to applicant's admission to practice and the date thereof; and

(2) in the case of an applicant seeking admission under subparagraph (a)(2)(ii) of this section:

(i) a certificate from the dean of the law school which employs or employed the applicant, certifying to the nature and extent of applicant's employment and the rank attained; and

(ii) a certificate from an approved law school as defined in section 520.3(b) of this Part, certifying to applicant's graduation and receipt of a first degree in law; and

(3) a certificate from the New York State Board of Law Examiners certifying that the applicant has shown, by satisfactory proof submitted to it that applicant has had the legal education required by paragraph (3) of subdivision (a) of this section; and

(4) a report of the National Conference of Bar Examiners together with such other satisfactory evidence of character and qualifications as may be required.

(c) *Proof to be submitted and fee paid to New York State Board of Law Examiners.* The applicant shall submit to the New York State Board of Law Examiners such proof of compliance with the provisions of paragraph (3) of subdivision (a) of this section as the board may require and shall at the same time pay the board the fee prescribed by section 465 of the Judiciary Law by certified check or money order payable to the order of the board.

10. On perusal of Rule 520.9(a)(3)** it would be found that only those, who are or were eligible to take the New York State Bar examination, can be admitted on motion. The relevant provision which ascertains the eligibility to take the bar examination is given hereunder:

520.2 Admission upon examination. (a) *Proof required by the New York State Board of Law Examiners.* An applicant for admission to the New York State bar examination shall furnish to the New York State Bar Examiners, in accordance with its rules, proof satisfactory to said board:

(1) that he is over 21 years of age;

(2) as to the date and place of his birth; and

(3) that applicant has complied with section 520.3, 520.4 or 520.5 of this Part.

11. The relevant rule of the Board of Law Examiners, governing the qualifications to take the New York State Bar examination, is reproduced below:

6000.2 Proof required of applicants for examination. (a) Each first time applicant shall file in the office of the Board, at least 60 days but not more than 90 days before the date of the examination for which such applicant intends to apply, an affidavit, in a form furnished or approved by the Board, stating compliance with the requirements of Section 520.3, 520.4 or 52o.5 of the Rules of the Court of Appeals. That affidavit shall specify the address in or outside the State where the applicant resides and the place in the State, if any, where the applicant is employed full time. If the applicant changes such addresses before the examination for which the applicant intends to apply, the applicant shall notify the board in writing of such change of addresses within 24 hours of making such change.

(b) Each first time applicant shall cause to be filed in the office of the Board, on a form furnished or approved by the board, proof of compliance with the requirements of Section 520.3, 520.4 or 520.5 of the Rules of the Court of Appeals. Such proof must be received by the Board no later than five business days prior to the

examination for which the applicant is applying.

12. Rule 520.3 permits all those to take the bar examination who have received their legal education from a law school within the United States itself; Rule 520.4 permits all those who have successfully completed one year at the law school and thereafter have been under the supervision, for at least 3 years, of a duly admitted attorney in the State of New York and Rule 520.5 permits all those law graduates, who received their legal education from foreign countries and the same is reproduced below:

> **520.5 Study of law in foreign country; required legal education.** (a) *General.* An applicant who has studied in a foreign country may qualify to take the New York State bar examination by submitting to the New York State Bar Examiners satisfactory proof of the legal education required by this section.
>
> (b) *Legal Education.* The applicant shall show fulfillment of the educational requirements for admission to the practice of law in a country other than the United States by successful completion of a period of law study at least substantially equivalent in duration to that required under subdivisions (d) and (e) of section 520.3 of this Part, in a law school or schools each of which, throughout the period of the applicant's therein, was recognised by the competent accrediting agency of the government of such other country, or of a political subdivision thereof, as qualified and approved; and
>
> (1) that such other country is one whose jurisprudence is based upon the principles of the English Common Law, and that the program and course of law study successfully completed by applicant were the substantial equivalent of the legal education provided by an approved law school in the United States; or
>
> (2) if applicant does not meet requirements of paragraph (1) of this subdivision, that applicant has successfully completed a full-time or part-time program consisting of a minimum of 24 semester hours of credit, or the equivalent, in professional law subjects in

an approved law school in the United States.

Proof required. The applicant shall submit to the New York State Board of Law Examiners such proof of compliance with the provisions of this section as the board may require.

13. In order to fully comply with the statutory pre-requisites of Rule 520.9(b)(3) and (C) as well as the instructions of the respondent-board contained in "APPENDIX E", petitioner filed an application on a form, furnished and approved by the respondent-board, "APPENDIX F", alongwith the requisite fee of $400 and sent "APPENDIX G", to the Prof. and Chairman of the Department of Laws, Panjab University, Chandigarh (India) who is believed to have sent the requisite information to the respondent-board directly.

14. Petitioner received a letter, dated June 16, 1993, "APPENDIX H", from the respondent-board vide which it returned the fee of $400 and opined that the petitioner was not "eligible for such a certificate". The Deputy Executive Secretary of the respondent-board also mutilated the language of the relevant Rule 520.9(a)(3)** and used the expression "and" instead of "or" in order to intentionally misrepresent, mislead and commit fraud with the petitioner to make him believe that only those were eligible who had received their legal education in the United States, by making such a bold statement as "there are no law schools outside the United States which meet those requirements." But the statutory provisions of 22 NYCRR 520.5(a)(b)(1)*, 22 NYCRR 520.2 and 22 NYCRR 6000.2(a)(b) belie this statement.

15. Petitioner replied to this in detail through a letter dated June 25, 1993, returned the requisite fee of $400 to the respondent-board which is attached herewith as "APPENDIX I".

16. Petitioner received another letter, dated July 28, 1993, "APPENDIX D", from the respondent-board, conveying negative determination of the legal education of the petitioner.

17. Petitioner filed his motion, pursuant to Rule 520.9**, in the Appellate Division, Second Department on August 13, 1993. He placed the **negative determination of July 28, 1993** at page 1 of the motion, according to the scheme of papers to be submitted to the Appellate Division but **challenged the same** in paragraph 17 of his motion. Petitioner legitimately considers the appropriate Appellate Division as a trial court or court of first instance or the administrative authority, not as an appellate court, pursuant to Rule 520.1. As a natural corollary, it is incumbent upon the Appellate Division to render its decision on every issue so raised before it.

18. The Appellate Division denied the motion of the petitioner vide its decision of March 2, 1994 without rendering any decision on the issue of correctness of the impugned determination and the same is attached herewith as "APPENDIX J".

19. Petitioner filed a timely motion to re-argue the matter in the Appellate Division but to no avail. The same was denied and the order is attached herewith as "APPENDIX K".

20. Petitioner filed a motion to appeal in the New York State Court of Appeals which was denied on September 13, 1994 and that order is attached herewith as "APPENDIX L".

21. Petitioner again re-argued the matter in the Court of Appeals but to no avail and the same was dismissed on December 13, 1994 and is attached herewith as "APPENDIX M".

22. By the end of December, 1994 petitioner per chance came accross the documentary evidence, in the shape of brochure pertaining to the 1995 Bar Examination which clearly shows that the respondent-board had sent the petitioner an altogether wrong and inappropriate form, which purports to determine the legal education of the petitioner pursuant to Rule 520.3 (see paragraphs 2 and 7 of "APPENDIX F") instead of the appropriate Rule 520.5(a)(b)(1)*.

23. Therefore, he requested the respondent-board to have a fresh look at the impugned determination of July 28, 1993 and revise it by applying the correct, applicable and appropriate Rule 520.5(a)(b)(1)* through a letter which is attached herewith as "APPENDIX N".

24. The respondent-board did not budge from its fraudulent, arbitrary and discriminatory attitude and denied the same vide its letter of March 3, 1995 which is "APPENDIX O".

25. Thereafter, having exhausted all the administrative channels and a demand from the respondent-board to follow the law so laid down for this purpose and denial of the same by the respondent-board, petitioner invoked the writ jurisdiction of the New York Supreme Court, Queens County pursuant to the Article 78 of the New York Civil Practice Law and Rules on April 10, 1995. The counsel for the respondent-board raised the objection of untimeliness and erroneously termed the letter of June 16, 1993 as determination. The Honorable Judge bought the legally defective contention of the respondent-board and rendered an erroneous decision, without considering submissions of the petitioner, which is attached herewith as "APPENDIX C".

26. Petitioner filed an appeal against the decision of the Supreme Court, Queens County in the Appellate Division, Second Department to the effect that since the present case is fraught with the elements of fraud, intention to mislead, misrepresentation, arbitrariness, subjectivity, discrimination and violation of Due Process and Equal Protection of Laws, section 217 of the New York Civil Practice Law and Rules does not apply. Instead Sections 213 and 203 of CPLR, which deal with the commitment of fraud and discovery thereof respectively, govern the instant case. The Appellate Division erroneously affirmed the earlier decision by an order which is attached herewith as "APPENDIX B".

27. Petitioner filed a timely motion for leave to appeal in the New York State Court of Appeals which summarily denied the same vide its Order of June 13, 1996, "APPENDIX A". Hence, this petition in this Honorable Court.

28. Before the petitioner makes final submissions, this Honorable Court may kindly allow him to reproduce the Rule which confers jurisdiction of an Administrative Authority upon the appropriate Appellate Division as well as the jurisdiction of "ultimate responsibility" upon the New York State Court of Appeals in the matters of admission of attorneys and counselors-at-law in this State :

> **Section 520.1 General.** (a) A person shall be admitted to practice law in the courts of the State of New York only by an order of the Appellate Division of the Supreme Court upon compliance with these rules.
>
> (b) *Saving clause.* Those provisions of the rules of the Court of Appeals for the admission of attorneys and counselors at law that prescribe the qualifications for admission to the New York State bar examination, which were in effect at the time an applicant for admission commenced study of law, to the extent that the application thereof was or would have been less restrictive or burdensome, shall determine the applicant's eligibility for admission to such examination.
>
> **Subdivision 1 of Section 53 of the Judiciary Law.** The Court of Appeals may from time to time adopt, amend, or rescind rules not inconsistent with the constitution or statutes of the State, regulating the admission of attorneys and counsellors-at-law, to practice in all the courts of record of the State.

29. Now, petitioner may please be permitted to enlist his credentials on the basis of which he is seeking admission as an attorney and counselor-at-law, pursuant to 22 NYCRR 520.9 :

> (a) he comes from India, a country whose jurisprudence is based upon the principles of the English Common Law; and
>
> (b) he started his legal education in May, 1976 in the Department of Laws, Panjab University chandigarh (India) whose

programs are duly approved by the Government of India, all State governments, the Bar Council of India and all the Bar councils of all the States in India; and

(c) the LL.B. from the Panjab University, Chandigarh (India) is a 3-year degree course and is on the pattern of legal education which is imparted in England because this very University was established by the British themselves in Lahore (now in Pakistan after the partition of India in august, 1947) and presently the seat of the same University is at Chandigarh in India; and

(d) prior to the commencement of his LL.B. studies, petitioner had already an Honors degree in Punjabi Literature, a Master's degree in English Literature and a degree in Journalism to his credit from the same University; and

(e) he was admitted to practice law in the High Court (Court of Appeals, according to the U.S. nomenclature) for the States of Punjab, Haryana and the Union Territory of Chandigarh and in the Supreme Court of India in New Delhi on august 14, 1980 where he actually practiced law until December 13, 1991 when he left on an immigrant visa to the United States ; and

(f) he established his law practice in the High Court of Punjab and Haryana at Chandigarh and represented some of his clients in the Supreme Court of India; and

(g) he had a short stint as an Assistant Advocate-General (Assistant Attorney-General, according to the U.S. nomenclautre) for the State of Punjab at Chandigarh - the capital of Punjab; and

(h) he is the member of the Punjab and Haryana High Court Bar Association in India (practicing) and the New York City Bar Association (non-practicing); and

(i) the business of the Supreme Court of India as well as all

the High Courts of all the States in India is conducted in English. The medium of instruction in the Panjab University and its affiliated colleges also is English; and

(j) India is the member of the Commonwealth and the United Nations Organization ; and

(k) he submitted all the requisite documentary evidence to the Appellate Division, Second Judicial Department at the time of making a motion pursuant to 22 NYCRR 520.9**.

30. Lastly, a few snippets from the judgment, *Trivedi Vs. Board of Law Examiners*, 86 AD2d 719, cited by the Appellate Division while affirming the erroneous decision of the court below, are given hereunder for the kind perusal of this Honorable court:

(a) "Petitioner, a permanent resident of the United States since 1976, obtained her legal education in India where she had practiced law for more than 10 years. She has already been granted permission to take the New York State Bar Examination".

(b) "In this proceeding, she challenges the respondent-board's denial, conveyed by letter dated September 17, 1980, of her application for a certificate of substantial equivalence which, pursuant to 22 NYCRR 520.7(b)(3), is prerequisite to admission to the New York State Bar without examination".

(c) "Following receipt of that letter, she continued to correspond with the board in an effort to persuade it to change its ruling".

(d) "The board denied her counsel's request for an oral hearing, but agreed to consider petitioner's additional written arguments respecting her claim that she possessed the legal education required for admission on motion. Subsequently, on December 15, 1980, the board notified her once again that her

interpretation of the Rules of the Court of Appeals relating to admission of attorneys who had studied law in foreign countries (22 NYCRR 520.5) was unacceptable".

(e) "The notice of petition dated January 24, 1981 specifies February 6, 1981 as the return date. Failure to serve the notice of petition and petition at least 20 days prior to the return date is a jurisdictional defect mandating dismissal".

31. The relevant provisions of Sections 203, 213 and 217 of the New York Civil Practice Law and Rules also, are reproduced hereunder:

"Section 203(f) Time computed from actual or imputed discovery of facts. Except as provided in article 2 of the Uniform Commercial Code or in section two hundred fourteen-a of this chapter, where the time within which an action must be commenced is computed from the time when facts were discovered or from the time facts could with reasonable diligence have been discovered, or from either of such times, the action must be commenced within two years after such actual or imputed discovery or within the period otherwise provided, computed from the time the cause of action accrued, whichever is longer".

"Section 213 (9). an action based upon fraud; the time within which the action must be commenced shall be computed from the time the plaintiff or the person under whom he claims discovered the fraud, or could with reasonable diligence have discovered it".

"Section 217. Proceeding against body or officer; four months. Unless a shorter time is provided in the law authorizing the proceeding, a proceeding against a body or officer must be commenced within four months after determination to be reviewed becomes final and binding upon the petitioner or the persons whom he represents in law or in fact, or after the respondent's refusal, upon the demand of the petitioner or the person whom he represents, to perform its duty; or with leave of the court where

the petitioner or the person whom he represents, at the time such determination became final and binding upon him or at the time of such refusal, was under a disability specified in section 208, within two years after such time.

32. Petitioner himself contributes to the ideology, held by many- among them the members of the Bar as well as the Bench, that unqualified persons should not be admitted to practice law but he has some reservations: One, that each applicant should be examined and tested on the strength of his own individual credentials according to the appropriate and applicable statutory provisions, not otherwise; Two, that in case his credentials meet the pertinent requirements of the provisions of the relevant law and rules, then he must be admitted without any hesitation. His case should not be thrown into a pool where most of them do not meet the requirements of the applicable law and rules. This was the specific message what the New York Court of Appeals wanted to convey in May, 1976 while rendering its judgment in the matter of : ***Anwar M. Hussain Vs. The Appellate Division, Third Department,* 39 NY2d 676**. But what the Court of Appeals observed twenty years ago about the members of the Appellate Divisions [see paragraph 8(b) and (g) of this petition], seems to be doing the same thing itself. From May, 1976 until the moment of filing this petition in this Honorable Court, no applicant from the Indian sub-continent, including the petitioner, has either been permitted to take the New York State Bar examination solely on the strength of his legal education or admitted on motion, on the strength of his law practice from his country whose jurisprudence is based upon the principles of the English Common Law. The petitioner herein fully satisfies the statutory requirements and the judgment cited above is still intact and has not been overruled so far.

REASONS FOR GRANTING THIS PETITION

33. By introducing 22 NYCRR 520.9,** the Legislature of the State of New York has been immensely prudent and magnanimous in taking the well qualified and competent lawyers from foreign qualifying countries into its otherwise very rich fold of attorneys and counselors-at-law and

afforded them a sphere of vast opportunities to fulfil their American Dream by being useful members of this rainbowlike multi-colored Society. On close perusal of 22 NYCRR 520.9(a)(3)**, (see paragraph 9), this Honorable Court shall find that **the admission without examination is available only to those who are or were eligible to take the New York State Bar examination** at the time of either admission to practice law in other qualifying jurisdiction or making the application for admission under this section. **The other pre-requisite** to avail this benefit is that the applicant seeking admission on motion **must have an actual law practice of at least 5 years from the qualifying jurisdiction,** ***Anwar M. Sheikh Vs. The Appellate Division, Third Department,*** **39 NY2d 676,** [see para 8(a), (c) and (d)].

34. To obtain a Certificate of Equivalent Legal Education from the New York State Board of Law Examiners (hereinafter called **the Board**) pursuant to 22 NYCRR 520.9(b)(3)**, petitioner had to comply with the provisions of 22 NYCRR 520.9(c)** which he did on June 3, 1993 by making the requisite application, alongwith the requisite fee of $400 (APPENDIX F) and sending the LAW SCHOOL CERTIFICATE OF ATTENDANCE (APPENDIX G) to his Professor and Chairman of the Department of Laws, Panjab University, Chandigarh (India) who is expected to have complied with the instructions of the Executive Secretary of the Board (APPENDIX E). **This brings us to compliance of all the statutory obligations on the part of the petitioner.**

35. The Board **must issue a Certificate of Equivalent Legal Education** to an applicant if it finds that that applicant is eligible to take the Bar examination. According to the scheme of the Rules, 22 NYCRR 520.2 and 22 NYCRR 6000.2(a)(b), (see paragraphs 10 and 11), an applicant has three different choices under which he or she is eligible to take the Bar examination, i.e., 520.3, 520.4 **or 520.5*.** Rule 520.3 permits all those applicants, who have received their legal education (of course, 3 years' duration) from an approved law school from within the United States itself; Rule 520.4 permits all those applicants, who have successfully completed one year in an approved law school within the United States and then had been in the employment or under the

supervision, for 3 years or more, of an attorney admitted in the New York State and **Rule 520.5* permits all those applicants, having 3-years' law degrees from such foreign countries whose jurisprudence is based upon the principles of the English Common Law.**

36. The members of the general public, who happen to be the applicants under one or the other option, fully expect that the New York State Board of Law Examiners would execute the provisions of 22 NYCRR 520 and 22 NYCRR 6000 in the same strain as the Legislature had at the time of framing the law and would carry out its constitutional and statutory obligations in a just and fair manner without considerations of color, creed or national origin of an applicant. This also means that **the Board is under "continuous duty" to follow the law and rules** so laid down to conduct its day-to-day business.

37. On the close perusal of 22 NYCRR 520.9(a)(3)**, 22 NYCRR 520.2 and 22 NYCRR 6000.2(a)(b), this Honorable Court shall find that **the legal education of the petitioner should have been "determined" pursuant to 22 NYCRR 520.5(a)(b)(1)*** which is framed solely for those applicants who come from such foreign countries whose jurisprudence is based upon the principles of the English Common Law. The perusal of paragraphs 2 and 7 of "APPENDIX G", LAW SCHOOL CERTIFICATE OF ATTENDANCE, stand witness to the hard fact that the legal education of the appellant has been evaluated on the anvil of Rule 520.3 instead of Rule 520.5(a)(b)(1).* Since all this has been done with the crystal clear intention of commission of fraud in order to deprive the petitioner of his constitutional and statutory rights, such an action on the part of the respondent-board tolls the Statute of Limitations and disqualifies the Board from seeking the refuge of provisions of law contained in Section 217(1) of the New York Civil Practice Law and Rules. Inspite of the unequivocal and crystal clear language of 22 NYCRR 520.9(a)(3)**, 520.5(a)(b)(1)*, 22 NYCRR 6000.2(a)(b) and the definitive and potent judgment in the matter of ***Anwar M. Sheikh Vs. The Appellate Division, Third Department,* 39 NY2d 676,** respondent-board did not refrain from committing fraud and breach of trust by evaluating the legal education of the petitioner pursuant to Rule 520.3

instead of Rule 520.5(a)(b)(1)*. This certainly is a case of misapplication of the properly stated rules of law.

38. It would be found on perusal of "Appendix H" that **the Deputy Executive Secretary of the respondent-board tried to mislead the petitioner by replacing the operative word "or" with "and"** and by doing so, she attepted to change the tenor of the provision of relevant law altogether. With the usage of "and", she has vainly attempted to mislead the petitioner and misrepresent to the effect that there are no other options to take the New York State bar examination except section 520.3 which, thanks to the framers of the law, is not true because an applicant can take the New York State Bar examination pursuant to the provisions of Sections 520.4 **or 520.5* also** (see paragraphs 10 and 11).

39. Similarly, if "Appendix H" is again perused, then **the statement** of the respondent-board in the last paragraph of this letter that **"there are no law schools outside the United states which meet those requirements" does not have any constitutional and statutory support to lean against** due to the very provisions of Rule 520.5,* pursuant to which the Legislature of the State of New York has duly recognised the legal education of 3-years' duration, obtained from such foreign countries whose jurisprudence is based upon the principles of the English common Law, for the purposes of its bar examination. Anyone eligible to take the Bar examination is entitled to the requisite Certificate of Equivalent Legal Education pursuant to 22 NYCRR 520.9(a)(3)** as interpretted by the New York State Court of Appeals in the preceding paragraph 8(h).

40. It would also be observed by this Honorable court that the application of the otherwise properly stated rule of law, 22 NYCRR 520.5(a)(b)(1)*, has intentionally and fraudulently been withheld with respect to the applicants from the Indian sub-continent, including the petitioner, whereas the same has generously been applied in the case of applicants from Israel (Ady Meged), Ireland (Helen P. Dalton), Singapore (Pat B. Pitchayan) and Ghana (John K. Akpalu)-to name only a few from amongst a long list, thus violating the Equal Protection of Laws clause of

the fourteenth amendment of the United States Constitution.

41. Fraudulent representations may play dual role, either forming basis for independent action for fraud or for equitable estoppel barring defendants from invoking limitation as against cause for breach of duty, ***Erbe Vs. Lincoln Rochester Trust Co.*, 1961 13 A.D.2d 576.** The intentional acts of fraud, misrepresentation, misleading, arbitrariness, subjectivity and discrimination commited by the respondent-board operate as an estoppel against it to raise any objection of untimeliness when the adversely affected person (petitioner herein) seeks judicial intervention through proceedings pursuant to Article 78 of the New York Civil Practice Law and Rules. As a natural corollary, it is not section 217 but sections 213 and 203 of the New York Civil Practice Law and Rules which cumulatively govern the instant situation. Limitation under those two sections is 6 and 2 years respectively. Since the petitioner invoked the writ jurisdiction of the Supreme court of New York on April 10, 1995, his proceedings pursuant to Article 78 of the New York Civil Practice Law and Rules were still well within the statutory limitation period not only with respect to the impugned determination of July 28, 1993 but also the erroneous so-called determination of June 16, 1993. The ruling in the matter of ***Trivedi Vs. Board of Law Examiners, 86 AD2d 237*** is not applicable in the instant case for the simple reason that whereas the petitioner in that case continued to correspond with the Board, the petitioner herein did not. He asked for the revision of the impugned determination of July 28, 1993 only because the said determination was the outcome of the fraudulent, misleading, arbitrary, subjective and discriminatory acts of the respondent-board and the petitioner herein was well within his legal rights to ask for the rectification of intentional mistake in the impugned determination. Petitioner was under legal obligation to make a demand from the wrong-doer (herein the respondent-board) to follow the law or in other words, to give one last chance to rectify its wrong-doing, which he did on January 1, 1995 (Appendix N) before invoking the writ jurisdiction of the New York Supreme Court, Queens County, on April 10, 1995.

42. The petitioner is aware of his legal obligations that he was legally

required to exhaust all the administrative channels before invoking the extraordinary writ jurisdiction of the New York Supreme Court, pursuant to the Article 78 proceedings. Since the **Appellate Division, Second Department,** is the **trial court, or court of first instance or an administrative authority** pursuant to 22 NYCRR 520.1 and the New York State **Court of Appeals is the highest administrative authority** because it has the **"ultimate responsibility for regulating admission to practice law" pursuant to subdivision 1 of Section 53 of the New York Judiciary Law**." The decision of the last administrative channel, i.e. the New York State Court of Appeals, on its administrative jurisdiction side, is of December 13, 1994 and petitioner filed the Article 78 proceedings in the Supreme Court, Queens County on April 10, 1995. This also is clearly indicative that the petitioner was alive to his constitutional and statutory rights and he invoked the writ jurisdiction of the appropriate court within the statutory limitation of time. Thus, seen or attacked from any angle whatsoever, petitioner took the necessary steps to seek judicial intervention well in time. Petitioner, being a practicing attorney from a Common English Law jurisdiction, is under legal, moral and academic obligation to uphold the law and not to give in if he feels that justice has not been met with.

43. Exercise of an administrative power which offends against the Constitution may be attacked at any time, and the time for such an attack is not restricted by the Statute of Limitations, applicable to proceedings for review of administrative determinations, ***Luthern Church in America Vs. City of New York, 1967, 27 AD2d 237.*** Since the respondent-board has violated the sanctity of Due Process and Equal Protection of Laws clauses of the U. S. Constitution by determining the legal education of the petitioner pursuant to 22 NYCRR 520.3 instead of the appropriate and applicable 22 NYCRR 520.5*, the Statute of Limitations tolls and the provisions of Section 217(1) of the New York Civil Practice Law and Rules do not apply to the instant case. In ***Quadrozzi Concrete Corp. Vs. Mastroianni,*** **1977, 56 A.D.2d 353, 392 N.Y.S.2d 687,** the Appellate Division, Second Department, held that, regardless of whether the action was "legal" or "equitable", if the plaintiff could prove actual fraud, then he was entitled to the discovery rule of CPLR 213(8). Since the instant case

is interwoven with the elements of fraud, misrepresentation, conceit, intent to mislead in order to violate the Due Process and Equal Protection of Laws, petitioner is entitled to the protection of 213(8) and 203(f) of New York Civil Practice Law and Rules. The result in *Quadrozzi* is sound. **"If actual fraud is involved, a defendant guilty of such conscious wrongdoing, should not be permitted to hide behind a statute of limitations running from the date of the wrong. Rather, the period of limitations should begin to run only upon discovery; and this should be true whether the form of the action is legal or equitable."** Time barrier requiring initiation of proceeding pursuant to Article 78 within four months after alleged wrongful act will not apply where claim is failure by respondent to comply with continuing constitutional and statutory duty, ***Bates Vs. Steuben County,*** **1982, 113 Misc. 2d 68, 448 N.Y.S. 2d, 625.** It would be needless to say that all the government or semi-government agencies are under "continuing duty" to follow the law so laid down for the conduct of their businesses. If there is any deviation from the statutory path, the deviator cannot claim the benefit of provisions of Section 217(1) and in the instant case, it is the respondent-board which has deviated from the provisions of 22 NYCRR 520.5(a)(b)(1)* and 22 NYCRR 6000.2(a)(b) and consequently, violated the Due Process and Equal Protection of Laws clauses of the fourteenth amendment of the sacred document, the Constitution of the United States.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the failure of the Appellate Division, Second Judicial Department and the New York State Court of Appeals to discharge their constitutional and statutory obligations, pursuant to 22 NYCRR 520.1 and subdivision 1 of Section 53 of the Judiciary Law respectively, has aggravated the wounds of the petitioner, caused by the uncalled for fatal attacks of fraud, misrepresentation, intention to mislead, arbitrariness, subjectivity, discrimination, violation of Due Process and Equal Protection of Laws on the petitioner herein and all other applicants from the Indian Sub-continent by the New York State Board of Law Examiners. Inspite of all what happened to him, the petitioner herein has maintained full faith in the

judicial system of this great country. He is not asking for any favors from the respondent-board but is invoking the administrative as well as judicial jurisdiction of the State Courts to act and accord to him the constitutional and statutory rights to which he is legitimately entitled on the strength of the provisions contained in the Fourteenth Amendment of the Constitution of the United States, subdivision 1 of Section 53 of the New York State Judiciary Law, 22 NYCRR 520.1, 520.2, 520.5(a)(b)(1)*, 520.9* and 22 NYCRR 6000.(a)(b). Maintaining complete silence over this matter by the New York State Court of Appeals, especially when it has the "ultimate responsibility" pursuant to subdivision 1 of Section 53 of the Judiciary Law, does not behove the status of the highest court of the State. The petitioner herein is not asking the Honorable Courts to punish or disband the Board but simply invoking their constitutional and statutory powers to kindly interfere and order the Board to rectify its intentional mistake.

This is an issue which has immense constitutional, statutory, academic, social, political and fiscal importance for the simple reason that it deeply concerns and affects the practicing attorneys from other statutorily qualifying jurisdictions all over the world who migrate to the United States and are looking forward to fulfilling their American Dream by getting admitted to practice law in the State of New York-the Seat of the United Nations Organization. Hence, it is respectfully prayed that this Honorable Court may please issue writ of certiorari to the New York State Court of Appeals to review the decision of the Appellate Division, Second Judicial Department, or any other relief, deemed just and proper in the circumstances of this case, may also please be granted to the petitioner herein.

New York, Queens County.
November 23, 1996.

RANJIT S. GILL
Petitioner,
Pro Se.
47-42 39th Place,
Long Island City, N.Y.11104.
(718)-392-8522

APPENDIX A

STATE OF NEW YORK
COURT OF APPEALS

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the Thirteenth day of June, 1996.

Present, HON. JUDITH S. KAYE, Chief Judge, presiding

2-10 MO. No. 674
In the Matter of Ranjit S. Gill
Appellant,

Vs.
New York State Board of Law Examiners,
Respondents

A motion for leave to appeal to the Court of Appeals in the above cause having heretofore been made upon the part of the appellant herein and papers having been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion be and the same hereby is denied.

Sd/-
Donanld M. Sheraw,
Clerk of the Court.

APPENDIX B

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

2145Z
S/hu

_____AD2d_____ Submitted-March 20, 1996.

VINCENT R. BALLETTA, JR., J.P.
DAVID S. RITTER
VINCENT PIZZUTO
MYRIAM J. ALTMAN, JJ.

95-08443
In the Matter of Ranjit S. Gill,
appellant, V. New York State Board of Law Examiners, respondent.

DECISION AND ORDER

Ranjit S. Gill, Long Island City, N.Y., appellant, *pro se.*

Dennis C. Vacco, Attorney-General, New York, N.Y. (Rebecca Ann Durden, of counsel), for respondent.

In a proceeding pursuant to CPLR article 78 to review a determination of the respondent, dated June 16, 1993, which denied the petitioner's application for a certificate of equivalent legal education, and to compel the respondent to issue the certificate, the petitioner appeals from a judgment of the Supreme court, Queens County (Dye, J.), dated september 27 1995, which, upon an order of the same court dated August 9, 1995, granting the respondent's cross motion to dismiss the petition as barred by the Statute of Limitations, dismissed the proceeding. The petitioner's notice of appeal from the order dated August, 1995, is deemed a premature notice of appeal from the judgment (CPLR 5520[c]).

ORDERED that the judgment is affirmed, with costs.

The petitioner commenced this proceeding to review the respondent's denial of his application for a certificate of equivalent legal education more than four months after the respondent's determination. Thus, the proceeding is barred by the Statute of Limitations. (see, CPLR 217; *Matter of trivedi v State of Law Examiners*, 86 AD2d 719).

BALLETTA, J.P., RITTER, PIZZUTO and ALTMAN, JJ., concur.

ENTER:
Martin H. Brownstein
Clerk.

March 2, 1994

MATTER OF GILL, RANJIT S.

APPENDIX C

MEMORANDUM

SUPREME COURT : QUEENS COUNTY
IA PART 13

MATTER OF RANJIT S. GILL — INDEX NO. 7639/95.

- against - — BY: DYE, J.

NEW YORK STATE BOARD OF LAW EXAMINERS. — DATED: 8/9/95.

In this Article 78 proceeding, petitioner seeks to annul a determination of respondent, New York State Board of Law Examiners dated June 16, 1993 which denied petitioner's Application for a Certificate of Equivalent Legal Education and to direct respondent to issue the Certificate to petitioner. Respondent cross-moves to dismiss the petition on the ground of the Statute of Limitations.

Petitioner's allegation that respondent sent him the wrong form in 1993 is belied by the evidence. Furthermore, petitioner's applications to the Appellate Division and the Court of Appeals for Admission to the Practice of Law and to respondent to reconsider its determination without appealing respondent's determination of June16, 1993 did not act to toll the running of the four-month Statute of Limitations.(CPLR217[1],5519).

Accordingly, the cross motion is granted. The petition is denied and dismissed.

Settle judgment.

Sd/-
J.S.C.
HON. LUTHER V. DYE

APPENDIX D

STATE BOARD OF LAW EXAMINERS
7 EXECUTIVE CENTRE DRIVE
ALBANY, N.Y. 12203-5195
518-452-8700 ((NYS) 800-342-3335
Fax 518-452-5729

John E. Holt-Harris, Jr., Chairman
Richard J. Bartlett
Laura Taylor Swain
Charles T. Beeching, Jr.

James T. Fuller
Executive Secretary
Nancy Oppe Carpenter
Dep. Exec. Secretary

July 28, 1993

Dear Mr. Gill:

I am writing in connection with your Application for a Certificate of Equivalent Legal Education dated June 3 and letter of June 25, 1993.

Because your legal education does not meet the reauirements of Section 520.9.9(a)(3), your application is hereby denied.

Sincerely
Sd/- Nancy O. Carpenter
Deputy Executive Secretary

NOC/me

APPENDIX E

STATE BOARD OF LAW EXAMINERS

EXECUTIVE CENTRE DRIVE
ALBANY, N.Y. 12203-5148
518-452-8700 (NYS) 800-342-3335
FAX 518-452-5720

John E. Holt-Harris Jr., Chairman
Richard J. Bartlett
Laura A. Taylor
Charles T. Beeching, Jr.

James T. Fuller
Executive Secretary
Nancy B. Oppe
Dep. Executive Secretary

Dear Candidate:

In response to your recent inquiry, I am enclosing a copy of the Rules of the Court of Appeals regulating admission to the Bar in this State. Section 520.9 contains provisions covering admission on motion.

The Board administers only the educational certification described in Section 520.9(a)(3). To apply for such certification, you should complete the enclosed short application form and forward it to us with the required fee of $400 in a certified check or money order. In addition, you should have your law school complete the enclosed Law School Certificate of Attendance and forward it directly to us.

Upon receipt of your application, the ree and the Law School Certificate demonstrating compliance with the Rules, we will issue you a certificate of educational equivalence. A copy of that certificate will be forwarded to the Supreme Court, Appellate Division, in the appropriate Judicial Department.

If you have any substantive questions regarding the other requirements of Section 520.9, you should contact the Appellate Division of the Supreme Court in the Judicial Department in which you reside or are employed full-time or, if you are not a resident and are not employed in the State, the Third Department.The Third Department will automatically send you an application for admission to the Bar upon receipt of the copy of your educational certificate. It is not necessary to contact them unless you have a specific question.

Sincerely
Sd-/ James T. Fuller
Executive Secretary

APPENDIX F

STATE BOARD OF LAW EAMINERS
7 Executive Centre Drive
Albany, N.Y. 12203

APPLICATION FOR A CERTIFICATE OF EQUIVALENT LEGAL EDUCATION

NAME RANJIT SINGH GILL

RESIDENCE ADDRESS 47-42 39th Place,
Long Island City, N.Y. 11104

EMPLOYMENT ADDRESS Supreme court of the City of New York
100 Centre Street, New York, N.Y. 10013
26 Federal Plaza, New York, N.Y. 10278
(working as per diem Interpretor in State and Federal courts)

LAW SCHOOL Department of Laws, Panjab University,
Chandigarh-160014 (India).

GRADUATION YEAR 1980

ADMITTED IN (STATE): High Court of Punjab, Haryana and Union Territory of Chandigarh; and
The Supreme Court of India.
(on the basis of my License from Punjab and Haryana Bar Council at Chandigarh)

$ 400 CERTIFIED CHECK OR MONEY ORDER: ENCLOSED x
PREVIOUSLY SENT _

06/03/93
DATE

Sd/- Ranjit S. Gill
SIGNATURE

APPENDIX G

* THIS FORM SHOULD BE SENT DIRECTLY TO THE BOARD BY THE LAW SCHOOL.

LAW SCHOOL CERTIFICATE OF ATTENDANCE

NEW YORK SUPREME COURT
APPELLATE DIVISION, SECOND JUDICIAL DEPTT

A D M I S S I O N

In the Matter of the Application of

_____

For Admission to the Bar

Name of Law School _____

This is to certify:-

1. That _____, of _____ was in good and regular attendance upon and took and successfully completed the prescribed course of instruction required at the above named Law School for the degree of * Bachelor of Laws/ * Juris Doctor, during the following stated periods, to wit:

from _____, 19___, to _____, 19___;
from _____, 19___, to _____, 19___;

and was duly graduated therefrom with the degree of *Bachelor of Laws/*Juris Doctor on the __day of__19__.

If the applicant's attendance exceeded 105 weeks in a full-time program or 135 weeks in a part-time program, a supplimental explanation should be annexed.

2. The above named Law School is registered with the New York State Court of Appeals and approved by either the American Bar Association , the Association of American Law Schools or the New York State Education Department and prescribes that its students shall take a course of study for its degree which complies with

Section 520.3 of the Rules of the Court of Appeals, to wit:

*(A) From_____to_____

said course covered a period of *three* school years, consisting of at least 90 and no more than 105 calendar weeks of at least *ten* classroom periods per week, totalling 1200 classroom periods of fifty minutes each, of attendance upon law lectures, recitations or examinations in prescribed courses given by or under the supervision of regular members of the Faculty. All of such lectures, recitations and examinations were scheduled principally between 9:00 in the forenoon and 6:00 in the afternoon;

*(B) From_____to_____

said course covered a period of *four* school years, consisting of at least 120 and no more than 135 calendar weeks of at least *eight* classroom periods per week, totaling1200 classroom periods of fifty minutes each, of attendance upon law lectures, recitations or examinations in prescribed courses given by or under the supervision of regular members of the Faculty.

Attach supplemental explanation :

a. If attendance was for less than 90 weeks in a full-time program or less than 120 weeks in a part-time program.

b. If classroom attendance in any semester, quarter or summer session consisted of less than ten classroom periods per week in a full-time program or eight classroom periods per week in a part-time program, or if the classroom periods did not total 1200 periods of fifty minutes each.

3. That the above named applicant took and successfully passed *all* examinations in *all* subjects required for the granting of the degree of *Bachelor of Laws/*Juris Doctor at said school given during such periods of attendance, except as stated in paragraph.

4. That the applicant took the following clinical courses:

TITLE ON DESCRIPTION CREDIT HOURS

M O T I O N

*5. That the applicant initially failed the following subjects: _____

(If the applicant failed any subject, proof must be submitted in the above space or by supplemental certificate over the signatures of the Dean or other authorized officer setting forth the semester, quarter or summer session in which the failure was incurred, the date when a passing grade in the failed subject was earned, or the substitute course successfully completed, or showing in detail the requirements established by the school under which such failures were compensated by a sufficiently high average, in compliance with Section 520.3(f) of the Rules of the Court of Appeals. If the applicant failed to attain the required weighted average, the statement to that effect should be made in the above space.)

6. That the records of said school indicate that the applicant was of the age of_____when he began his attendance at said school.

*7. That said applicant has been given credit in this school for law school study at the following named law school : _____for ____year, in accordance with the provisions of Sec. 520.3 of the Rules of the Court of Appeals. *A transcript showing law school study at such law school for which credit was given is hereto attached.*

WITNESS my hand and the seal of said Law School at_____, this ____day of_____, 19_____.

(SEAL)

_____

Dean

(or other officer authorized to sign)

* *Strike out this paragraph if not applicable.*

APPENDIX H

STATE BOARD OF LAW EXAMINERS
EXECUTIVE CENTRE DRIVE
ALBANY, N.Y. 12203-5195
518-452-8700 (NYS) 800-342-3335
FAX 518-452-5729

John E. Holt-Harris Jr., Chairman
Richard J. Bartlett
Laura Taylor Swain
Charles T. Beeching, Jr.

James T. Fuller
Executive Secretary
Nancy Oppe Carpenter
Dep. Executive Secretary

June 16, 1993

Ranjit Singh Gill
47-42 39 Place
Long Island city, N.Y. 11104

Dear Mr. Gill:

I am returning the $400 money order enclosed with your Application for a Certificate of Equivalent Legal Education. You are not eligible for such a certificate as you do not meet the requirements of Section 520.9(a)(3).

The legal education required under Section 520.3 of the court's Rules, and its predecessor sections, is graduation from an approved law school as defnied in section 520.3(b). There are no law schools outside the United States which meet those requirements.

Sincerely
Sd/- Nancy O. Carpenter
Deputy Executive Secretary

NOC/me
Enclosure

APPENDIX I

Ranjit S. Gill
47-42 39Place, 2RR
Long Island City, N.Y. 11104
(718)-392-8522

June 25, 1993

Ms. Nancy O. Carpenter
Deputy Executive Secretary
State Board of Law Examiners
7 Executive Cen tre Drive, Albany, N.Y. 12203-5195

Dear Ms. Carpenter,

I take this opportunity to gratefully acknowledge the receipt of your letter of June 16, 1993 but am extremely sorry to point out that the contents therein are not only void but als also in flagrant conflict with the provisions of 22 NYCRR 520.9 which govern the admission of the attorneys and counsellors-at-law from either the sister States of the State of New York or from other jurisdictions outside the United States. Only those applicants from other countries whose jurisprudence is based on the principles of the English Common Law are eligible under this Section. Your letter points towards totally different direction and I am of the firm belief and faith that Court of Appeals would not permit anybody in the Board of Law Examiners (hereinafter called the Board), no matter how high his or her position be in the Board, to transgress the Constitutional and Statutory authority which is vested only in the Court of Appeals. You are also wrong when you tell me, " you are not eligible for such a certificate as you do not meet the requirements of Section 520.9(a)(3)." Your letter smacks of the knowledge and interpretation thereof of the Rule 22 NYCRR 520.9. Sub Section (a)(3) of Section 520.9 fully supports my case and this portion of the Rule has some operative clauses which you are totally missing. These clauses are : (1) has had the legal education; (2) or its predecessor section or sections and (3)

.....at the time of applicant's admission to practice in such other state, territory, district **or common law country.** The predecessor Section to Section 520.3 is 520.2 which, if read between the lines, comes to my rescue. Let me tell you how. Sub-Section (a)(3) of Section 520.2 is very clear on this aspect when it talks about "that applicant has complied with Section 520.3, 520.4 **or 520.5 of this part."** Perhaps you do not realise the underlining intent of the Court of Appeals to include the provisions under 520.5 and 520.9 for the benefit of those lawyers who have been practicing law in their respective jurisdictions for a considerable period of time and all those jurisdictions had their legal systems based on the principles of the English Common Law. Therefore, I am eligible under the provisions of 22 NYCRR 520.5(a)(b)(1). This aspect has already been settled by the Court of Appeals in the Matter of : Anwar M. Sheikh Vs. The Appellate Division, Third Judicial Department. I am also supported amply by provisions contained in Sections 53 and 90 of the Judiciary Law. There are many more other judgments which are in my favor and I need not mention them here for want of space and requirement. You have already done extensive harm to my otherwise constitutional and statutory rights when you did not issue me the Admission Pass to the July, 1990 Bar Examination. At that point of time, I was on a Non-Immigrant visa to the United States and wanted to make use of my presence by taking the July, 1990 Bar Examination under the provisions of 22 NYCRR 520.5(a)(b)(1) but you had asked me to take 24 credits from an American Law School which is otherwise a requirement for those applicants who do not fulfil the conditions under 520.5(a)(b)(1) and you were invoking Rule 520.5(b)(2) in my case. Since I had to go back to my country where I have my law practice , I could not afford to seek the redressal of my grievances in an appropriate court of law. I came back again in December, 1991 but this time on an Immigrant visa and I am a permanent resident of Queens in New York State. I still maintain my office in Chandigarh where I was practicing law in the Punjab and Haryana High Court. I have not abandoned my membership of the High Court Bar Association in Chandigarh which is the State Capital. The Punjab and Haryana High Court at Chandigarh enjoys the status in India as the Court of Appeals of the State of New York in Albany. I have also represented clients in the Supreme Court of India. I may be allowed to mention here

that I also happen to be a former Assistant Advocate-General of Punjab State who enjoys the same status as the Assistant Attorney-General of the State of New York. I have practiced in the Punjab and Haryana High Court at Chandigarh for 11 years before I came to the United States in December, 1991.

Since I am eligible under the provisions of 22 NYCRR 520.9, I am again enclosing the same money order for $400 so that the Board my complete its task while dealing with my application already submitted for this purpose. On the basis of advice per Mr. Fuller's letter to me, I have already sent the Law School Certificate of Attendance to my law school and they will be sending it directly to the Board. I am enclosing a copy of Mr. Fuller's letter for ready reference. I am also under moral and legal obligation to apprise Mr. James T. Fuller of the latest developments and that is the reason why I am sending one copy of my this letter to him for his information and necessary action.

Thank you very much for your consideration and cooperation in this matter.

With due regards;

Sincerely
Sd/-
Ranjit S. Gill

APPENDIX J

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND DEPARTMENT

85460
N/nl

(Not to be Published)

GUY JAMES MANGANO, P.J.
WILLIAM C. THOMPSON
THOMAS R. SULLIVAN
VINCENT R. BALLETTA, JR.
ALBERT M. ROSENBLATT, JJ.

93-05421
In the Matter of Ranjit S. Gill, for Admission to the Bar of the State of New York.

DECISION AND ORDER ON APPLICATION

Application by Ranjit S. Gill for admission to practice of law in the State of New York without examination pursuant to 22 NYCRR 520.9.

Upon the papers submitted in regard to this application, it is

ORDERED that the application for admission pursuant to the aforesaid provision is denied.

The applicant was unable to submit a letter from the New York State Board of Law Examiners certifying that he has shown, by satisfactory proof submitted to it, that he has had the legal education required by 22 NYCRR 520.9(a)(3). The applicant received a letter from the State Board of Law Examiners informing him that his legal education does not meet the requirements of 22 NYCRR 520.9(a)(3)

MANGANO, P.J., THOMPSON, SULLIVAN, BALLETTA and ROSENBLATT, JJ., concur.

SEAL
Signatures of

ENTER :
Martin H Brownstein
Clerk

March 2, 1994

MATTER OF GILL, RANJIT S.

APPENDIX K

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND DEPARTMENT

1047L
Z/nl

(Not to be Published)

GUY JAMES MANGANO, P.J.
WILLIAM C. THOMPSON
THOMAS R. SULLIVAN
VINCENT R. BALLETTA, JR.
WILLIAM D. FRIEDMANN, JJ.

93-05421

DECISION AND ORDER
ON APPLICATION

In the Matter of the Application of
Ranjit S. Gill, for Admission to the Bar
of the State of New York

Motion by Ranjit S. Gill for re-argument of this court's decision and order on motion, dated March 2, 1994, which denied his application, pursuant to 22 NYCRR 520.9, for admission to the practice of law.

Upon all the papers submitted in support of this motion, it is

ORDERED that the motion is denied.

MANGANO, P.J., THOMPSON , SULLIVAN, BALLETTA and BALLETTA and FRIEDMANN,JJ., concur.

(SEAL OF THE COURT)

ENTER
Martin H. Brownstein
Clerk

May 16, 1994

MATTER OF GILL, RANJIT S.

APPENDIX L

STATE OF NEW YORK
COURT OF APPEAL

At a session of the Court, held at
Court of Appeals Hall in the City
of Albany on the thirteenth day of
September, 1994.

PRESENT, Hon. Judith S. Kaye, Chief Justice, presiding.

2-12 MO. No. 896

In the Matter of Anonymous,
for admission to the Bar of the State of New York.

A motion for leave to appeal to the Court of Appeals in the above cause having heretofore been made upon the part of the appellant herein and papers having been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion be and the same hereby is dismissed upon the ground that it does not lie.

Sd/- Donald M Sheraw
Clerk of the Court

APPENDIX M

STATE OF NEW YORK, COURT OF APPEALS

At a session of the Court, held at Court of Appeals Hall in the city of Albany on the thirteenth day of December, 1994.

PRESENT, Hon. Judith S. Kaye, Chief Justice, presiding.

MO. No. 1317

In the Matter of Anonymous,
for Admission to the Bar of the State of New York.

A motion for reargument of motion for leave to appeal to the Court of Appeals in the above cause having heretofore been made upon the part of the appellant herein and pappers having been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion, insofar as it seeks reargument of motion for leave to appeal, be and the same hereby is denied; and it is

ORDERED, that the said motion, insofar as it seeks clarification of this Court's order of September 13, 1994, be and the same hereby is granted. The motion for leave to appeal, insofar as it sought leave to appeal from the Appellate Division order of May 16, 1994 denying reargument, was dismissed upon the ground that that order did not finally determine the action within the meaning of the Constitution. The motion for leave to appeal , insofar as it sought leave to appeal from the Appellate Division order of March 2, 1994, was dismissed for failure to demonstrate timeliness as required by section 500.11(d)(1)(iii) of this Court's Rules of Practice.

Sd/- Donald M. Sheraw
Clerk of the Court

APPENDIX N

Ranjit S. Gill
47-42 39th Place
L.I.C., N. Y. 11104.

January 1, 1995.

The NYS Board of Law Examiners
7 Executive Centre Drive
Albany, N.Y. 12203.

RE: My application under 22 NYCRR 520.9(b)(3) of June 3, 1993.

Dear Sirs,

Please refer to your determination of July 28, 1993 on my application mentioned above. Your Board sent me a proforma for Law School Certificate of Attendance which was to be completed by the Department of Laws, Panjab University, Chandigarh (India) and sent to your esteemed Board directly. A photocopy of the same is hereby enclosed for ready reference.

I believe that the Board had sent me an altogether wrong and incorrect proforma. In fact, the Board sent me a proforma which is needed to be filled by all those applicants whose legal education is from within the United States itself.

I have been able to lay my hands on the prescribed application by the Board for the purposes of taking the 1995 Bar Examinations in the State of New York and the contents of this application form are clear pointer to the fact that there are three segments for Law School Study: First, relating to those applicants who have completed their law study in the ABA approved law schools in the United States itself; Secondly, for those who have completed their one year law study in an approved law school and thereafter has been under the direct supervision and employment of an American attorney for two or more years and Thirdly, for those who have completed their law study in a foreign country, with

or without the basis of its jurisprudence on the English Common Law.

Therefore, I believe that your office had sent me a wrong proforma which is needed for Approved (ABA, AALS, NYS Education Department) Law School Study **instead of the FOREIGN LAW SCHOOL STUDY** proforma which, in fact, **is required from all those who have completed their law study outside the United States.**

Hence, in order to save time, I am submitting the correct proforma, duly filled, thought this meant for taking the Bar examinations. I am again enclosing a photocopy of my law degree, i.e. LL.B., a photocopy of a letter from the Prof. and Chairman of the Department of Laws, Panjab University, Chandigarh (India) and the Syllabus for the Degree of LL.B. from the same department. These documents are again being filed with your office for ready reference.

Since this letter and accompanying annexures are being submitted in continuation of my previous application for a Certificate of Equivalent Legal Education, no fee is being filed and your office is requested to waive it, if there is any.

I shall heartily appreciate if you kindly clarify the expression "your legal education does not meet the requirements of Section 520.9(a)(3)" used by your office in the Determination of July 28, 1993.

I request an earliest reply to this letter because I have to proceed further with my motion which is still pending with the Appellate Division, Second Judicial Department under and pursuant to 22 NYCRR 520.9.

If your office wants me fill more forms, please send me those forms at the earliest so that needful could be done at my end.

Thank you very much for your cooperation and consideration in this matter. Please feel free to contact me for any further clarification from here, if any.

Sincerely
Sd/-
RANJIT S. GILL

CC : Clerk of the Court
Appellate Division
Second Judicial Department
45 Monroe Place, Brooklyn, N.Y. 11201

APPENDIX O

STATE BOARD OF LAW EXAMINERS
EXECUTIVE CENTRE DRIVE
ALBANY, N.Y.12203-5195
518-452-8700 (NYS) 800-342-3335
FAX 518-452-5729

John F. Holt-Harris, Jr., Chairman
Richard J. Bartlett
Laura Taylor Swain
Charles T. Beeching, Jr.

James T. Fuller
Executive Secretary
Nancy Oppe Carpenter
Dep.Executive Secretary

March 3, 1995

Mr. Ranjit S. Gill
47-42 39th Place
Long Island City, N.Y. 11104

Dear Mr. Gill :

I appologize for the delay in responding to your letter of January 1, 1995 and enclosures.

You have not furnished any information which would cause the Board to change its determination communicated to you in my letter of July 28, 1993.

Sincerely
Sd/- Nancy O. Carpenter
Deputy Executive Secretary

NOC/me